

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R6V-2008-(PROPOSED)**

**ADELANTO PUBLIC UTILITY AUTHORITY, FOR VIOLATION OF CEASE AND  
DESIST ORDER NO. R6V-2007-24, FOR FAILURE TO SUBMIT QUARTERLY  
STATUS REPORT BY REQUIRED DUE DATE, SAN BERNARDINO COUNTY,  
WDID NO. 6B369805001**

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**INTRODUCTION**

1. By this Order, the Regional Water Quality Control Board, Lahontan Region (Water Board) imposes administrative civil liability on the Adelanto Public Utility Authority (hereafter referred to as the "Discharger") pursuant to a settlement agreement. The issuance of an order pursuant to a settlement agreement is authorized by Government Code section 11415.60.

**BACKGROUND**

2. Pursuant to Water Code section 13323, the Assistant Executive Officer of the Water Board issued Administrative Civil Liability Complaint No. R6V-2008-0012 (Complaint) to the Adelanto Public Utility Authority on April 4, 2008, (Attachment A, which is made part of this Order). The Complaint alleged that the Discharger violated Cease and Desist Order (CDO) No. R6V-2007-24, Requirement III, when the Discharger submitted the CDO-required quarterly status report 23 days after the due date. The Complaint proposed that the Discharger be assessed \$15,000 in administrative civil liability pursuant to Water Code section 13268.
3. After the Complaint was issued, the Discharger provided additional information regarding staff illnesses, which caused its staff who was responsible for preparing the CDO-required report, to be absent from work for a significant time period. Based upon this information, the Water Board's Prosecution Team agreed to settle the Complaint for a reduced civil liability of \$6,500.
4. On May 9, 2008, the Discharger provided a signed waiver of public hearing form and agreement to pay an administrative civil liability of \$6,500 (Attachment B, which is made a part of this Order).
5. Together, the Complaint and waiver represent a Settlement Agreement.
6. Notice of the Settlement Agreement was provided to the public and the public received no less than 30 days to comment. The Water Board has considered all the comments that have been received.
7. The Water Board accepts the Settlement Agreement.

8. The adoption of this Order accepting the Settlement Agreement is exempt from the provisions of the California Environmental Quality Act, in accordance with the California Code of Regulations, title 14, section 15321, subdivision (a)(2) (Enforcement Actions by Regulatory Agencies).
9. Any aggrieved person may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and the State Board's regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at [www.waterboards.ca.gov/wqpetitions/index.html](http://www.waterboards.ca.gov/wqpetitions/index.html) and will also be provided upon request.
10. State Board and Water Board staff have spent time responding to the alleged violation and preparing this enforcement action. Estimated staff costs for investigation and preparation of enforcement documents, communications with the Discharger and interested parties, and preparation of materials for public review and the Water Board meeting are \$4,290.

**IT IS HEREBY ORDERED THAT:**

1. The Water Board imposes administrative civil liability against the Discharger in the amount of \$6,500.
2. The Discharger must provide payment in the amount of \$6,500 to the California State Water Resources Control Board, Waste Discharge Permit Fund by **October 10, 2008.**
3. If the Discharger fails to make the specified payment to the California State Water Resources Control Board, Waste Discharge Permit Fund within the time limits specified in this Order, the Water Board may enforce this Order by applying for a judgment pursuant to Water Code section 13328. The Water Board's Executive Officer is hereby authorized to pursue a judgment pursuant to Water Code section 13328 if the criterion specified in this paragraph is satisfied.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on September 10, 2008.

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HAROLD J. SINGER  
EXECUTIVE OFFICER

Attachment: A. Administrative Civil Liability Complaint No. R6V-2008-0012  
B. Signed Waiver of Hearing Form